

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2023-3141

THERESA LEE MILLER,

Appellant,

v.

FLORIDA COMMISSION ON
OFFENDER REVIEW,

Appellee.

On appeal from the Circuit Court for Leon County.
J. Lee Marsh, Judge.

February 19, 2025

PER CURIAM.

Appellant Theresa Miller appeals a final order dismissing her petition for writ of mandamus. She advances three arguments on appeal: (1) the lower court erred when it construed her petition as seeking mandamus relief; (2) the lower court erred when it dismissed her petition based on a failure to comply with section 57.085, Florida Statutes; and (3) the lower court erred when it ordered her to pay appeal service charges and ordered a lien placed on her prison trust account. We affirm the first issue without further discussion. *See Williams v. Fla. Parole Comm'n*, 625 So. 2d 926, 934 (Fla. 1st DCA 1993) (holding that “a commission order suspending an inmate’s PPRD and thereby refusing to set an EPRD is appropriately reviewed by mandamus.”).

As to the latter two issues, Appellee concedes error. Miller's mandamus petition and subsequent appeal were collateral criminal proceedings and therefore exempt from the fee and lien provisions of section 57.085. See § 57.085(10), Fla. Stat. ("This section does not apply to a criminal proceeding or a collateral criminal proceeding."); *Fla. Parole Comm'n v. Spaziano*, 48 So. 3d 714, 724 (Fla. 2010) (holding that challenges to an inmate's PPRD are collateral criminal proceedings and "section 57.085(10) precludes imposition of a lien on the inmate's trust account to recover applicable filing fees"); see, e.g., *Whited v. Fla. Comm'n on Offender Rev.*, 145 So. 3d 951 (Fla. 1st DCA 2014). We, therefore, reverse the dismissal and the lower court's order on Miller's appeal service charges.

AFFIRMED in part, REVERSED in part, and REMANDED.

OSTERHAUS, C.J., and BILBREY and LONG, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Theresa Miller, pro se, Appellant.

Rana Wallace, General Counsel, and Alex Arthur Christiano,
Senior Attorney, Tallahassee, for Appellee.